G. R. S. IX-5]

Previous references.

2-7 155-16

Later references.

1917.

(Inwards)

File No. 81-17

Serial Nos. 1-2.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-2.

Part B for Aug. 17.

SUBJECT.

Appeal to the Privy Council against the decision of the High Court of Madras, declaring that Puliyadi Balasami Iyer is entitled to the possession as permanent lessee of certain properties of the Sri Vyasaraya Swamy at Madura.

Do, The Inwd. Suptd. No. 394. D. 16.8.17.

Records his letter re the above.

W D 88—GPB—50,000—24-7-16

D.R. Mysadrai.
Br. VIII D. 24.8.17.

G. R. S. 11] 1917-18

GENERAL AND REVENUE SECRETARIAT.

(Mis)

NOTES.

File No. 81-17

FILE HEADING.

Appeal to the Privy Council against the decision of the High Court of Madras declaring that Puliyadi Balasami Iyer is entitled to the possession as permanent lessee of certain properties of the Sri Vyasarayaswami at Madura.

From

The Munsif Sulpth in Mysore

No. 89 Dated 28.7.17 Received 30-7-17

Diary No. 185 | Enclos. 2 Spare Copies. | Serial No. 1

BRIEF ABSTRACT OF LETTER.

Submits copies of two applications filed by the Vakil of the Sri Vyasaraya matt to the High Court of Judicature, Madras praying for permission to prefer appeals to the Privy Council against the decision ~~of the decision~~ of the High Court of Madras declaring that Puliyadi Balasami Iyer is entitled to the possession as permanent lessee of certain properties of the Sri Vyasaraya Swami matta at Madura —

NOTES AND ORDERS.

H In G. O. No. 2313-4 / Mis. 155-16-6 & 17-3-17 an appeal to the Privy Council being preferred against the decision of the Madras High Court was sanctioned and the cost was directed to be met from the matt funds.

NOTES—First Sheet.

WD 1233—GPL—60 000—1 12-16—S

G. R. S. III-2]

General and Revenue Secretariat. | Mdy File No. 81 of 1917.

Serial No.	
	A draft recording the Mayrai Supdt's letter is subd for approval or other orders.
	89 2-8-17 — anm 4/8/17 — KS 4/8/17 — Secy) — Lee 4/8/17 — (Hon. Member)
	Draft approved by the First Member 10.8.17 — DCS — SDS 11.8 — anm 11/8 — Lee 11/8
2	No: 394 of 16.8.17, KS 11/8 to the Mdy Supdt, recd with above Communication.

NOTE—Contn. sheet.

WD 019—GPB—1,000—10-4-16

GEN. & REV. SEC. VII MUZRAI 1917
GEN. & REV. SEC. 30 JUL 1917

No. 89
Encls. Two

OFFICE OF THE MUZRAI SUPERINTENDENT IN MYSORE,
Dated Bangalore,...27th...July.....191 7.

185
17 18
Muz 2
31-1

FROM

G. ARAVAMUDU IYENGAR, ESQ., B.A., B.L.,
MUZRAI SUPERINTENDENT IN MYSORE,
BANGALORE.

1/8/17

To

G. Aravamudu Iyengar, Esquire, B.A., B.L.,
Joint Secretary to the Government of His Highness
the Maharaja of Mysore, Muzrai Department.

SIR,

4 With reference to Government Proceedings No.2313-4/Muz.F. 155-16-6 dated 17th March 1917, sanctioning the filing of an appeal to the Privy Council against the decision of the High Court of Madras declaring that Puliyadi Balasami Iyer is entitled to the possession as permanent lessee of certain properties of the Sri Vyasaraya Swami Matha at Madura, I have the honour to submit herewith copies of the two applications filed by the Matt's Vakil to the High Court of Judicature, Madras, praying for permission to prefer appeals to the Privy Council and received with Government Agent's report No.13 dated the 17th instant.

I have the honour to be,
Sir,
Your most obedient servant,

for Muzrai Superintendent.

Recd 19/7/17 Soo B

MEMORANDUM OF CIVIL MISCELLANEOUS PETITION.

Under Section

IN THE HIGH COURT OF JUDICATURE APPELLATE SIDE MADRAS

C. M. P. No. of 1917.

in

Appeal No. 17 of 1916.

M. Ragavendara Rao, Mysore Govt:
Agent for Sri Vysarayaswamy Mutt
Bangalore. Petitioner. Appellant.

-:vs:-

1. The Deputy Collector, Madura Division.

2. Venkitasawmy Naidu, West Market Street
Madura.

3. Sankaralingam Pillai, Naicker New Street
Madura.

4. Puliyadi A. Baluswamy Aiyer, Chinnkadai
Street, Madura. C. Petrs. Respondents.

The Petitioner begs to prefer this petition for a certificate for appealing to His Majesty in Council under Sections 109 and 110 C. P. C. and order 45 Rules 2 & 3 C.P.C against the Judgment of this Honorable Court in Appeal No. 17 of 1916 dated the 8th day of January 1917 for the following among other grounds:-

1. The Petitioner is the authorised agent of the Vysarayaswamy Mutt which has its head quarters at Sosalai in the Mysore Province.

2. The said Mutt had a parcel of inam land in the town of Madura 6 Kulis or 3 acres 50 cents which under a permanent lease deed dated 17th March 1891 had been alienated by a former Madathipathi to one Venkatarayachariar.

3. A portion of the said land was acquired by the Government for public purposes and for that extent the land acquisition Collector Made an award of

Rs 13,470-14-0 and on a reference to the Court under Sections 18 and 30 of the said Acquisition Act the District Court of Madura in O. P. No. 38 of 1915 increased the amount of compensation to Rs14,102-3-6.

4. Of the claimants to the said sum one was Puliyadi Ana Baluswamy Aiyar the 4th claimant who was a transferree of the permanent leasehold right over the entire 3 acres 30 cents granted under the lease dated 17th March 1891.

5. The 1st claimant was the present petitioner who is the agent of Vysarayaswamy Mutt, the permanent lease having been cancelled as not binding on the mutt and as being beyond the powers of a Madathipathi. The 2nd and 3rd claimants are the present tenants under the 1st claimant.

6. The question as to whether the 4th claimant or the Vysarayanswamy Mutt and the 1st claimant as representing the Mutt was entitled to the compensation depended on the determination of the questions as to whetner the permanent lessee the 4th claimant acquired a good and validtitle to the lease either by virtue of the deed or by prescription.

7. The said questions were the same as those involved in O. S. No. 61 of 1914 in the Temporary Sub Court of Kamnad at Madura. The said suit was one instituted by the said Baluswamy Aiyer (4th claimant in O.P.No. 38 of 1915) and his transferors namely Venkatarayachariar (the grantee of the permanent lease and his son Venkatramanachariar for a declaration that the 1st plaintiff Baluswamy Aiyer was entitled to the permanent lease and for recovery of the lease hold land from the Madathipathi of the Vysarayaswamy Mutt who was impleaded as the 2nd defendant and from the subsequent lessees claimants Nos. 2 and 3.

8. The said O. S. No. 61. of 1914 was decided against the Plaintiff therein, the Subordinate Judge having decided that the permanent lease was not binding on the Mutt and that the Plaintiffs had neither acquired any title by prescription. Against that judgment an appeal was preferred to this Honorable Court viz., Appeal No. 52 of 1915.

9. It was therefore agreed that as the validity of the permanent lease was in dispute and pending decision at the time in the High Court in Appeal No. 52 of 1913 that the compensation amount should be taken by the party who should succeed in the litigation then under appeal in Appeal No. 52 of 1915.

10. The said appeal No. 52 of 1915 was decided on 19th October 1916 in favor of Baluswamy Aiyer the Appellant, this honorable Court having held that the permanent lease was beyond the powers of a Madathipathi and void ab initio and that by virtue of Article 134 of the Limitation Act, the lessee by the lapse of more than 12 years had acquired a prescriptive title to the permanent lease.

11. Thereupon in Appeal No. 17 of 1916 which was against the award in O.P.No. 38 of 1915 this Honorable Court while confirming the award as to the amount awarded ordered the amount to be paid over to the claimant Baluswamy Aiyer in accordance with the decision of this Honorable Court in A.S.No. 52 of 1915.

12. A petition has been presented to this Honorable Court for a certificate for appealing to His Majesty in Council against the judgment in Appeal No. 52 of 1915.

13. As the judgment in appeal No. 17 of 1916 on the question of who is the person entitled to the amount of compensation is dependent on the determination of the questions involved in the said appeal No. 52 of 1915 and the appeal to His Majesty in Council for which a certificate has been prayed for. The peti-

The petitioner prays for a certificate for appealing to His Majesty in Council against the judgment in Appeal No. 17 of 1916 in order that the said judgment may be reversed on the question as to persons entitled to the compensation if the judgment in appeal No. 52 of 1915 is reversed by the Privy Council.

GROUNDS OF APPEAL.

The grounds of appeal to His Majesty in Council are same as those set forth in the petition for certificate Appeal No. 52 of 1915.

Signed "T. Narasimha Dass"
Vakil for Petitioner

HIGH COURT

MADRAS

C.M.P.No. of 1917 in

A. S. No. 17 of 1916.

MEMO OF GROUNDS.

Mr.T. Narasimha Aiyangar

Vakil for Petitioners.

EMORANDUM OF CIVIL MISCELLANEOUS PETITION.

Under

IN THE HIGH COURT OF JUDICATURE APPELLATE SIDE MADRAS

C/M. P. No. of 1917.

in

A.S.No. 52 of 1915.

Sri Vaidya Varuthi Theertha Swamigal Vysarayaswamy Mutt, Mysore. Petitioner. 27th Respondent.

And

1. Baluswamy Aiyer
2. Venkittarayachariar
3. Venkittanarasimhachariar. Counter Petitioners. Appellants.

The Petitioner abovenamed prays for a certificate for appealing to His Majesty in Council against the decree and judgment of their Lordships Mr. Justice Sadasiva Aiyer and Justice Moore in Appeal No. 52 of 1915 dated 19th October 1916 on the grounds hereunder mentioned.

1. The Petitioner was the 27th respondent in this court and the legal representative of the 26th respondent who was the 26th defendant in the court of first instance in the Temporary Subordinate Judge's court of Ramnad at Madura.

2. The petitioner is the Madathipathi of Sri Vyasarayaswamy Mutt at Sosalai in the Mysore Province.

3. The suit which terminated in the above appeal 52 of 1915 was instituted by the plaintiffs for a declaration that a permanent lease of certain Mutt lands situated in Madura were valid and binding on the Mutt and the Madathipathi and for recovery of the same with other reliefs.

4. The suit was dismissed by the court of first instance but on appeal the judgment of the court of first instance was

property is trust property and that in such a case lapse of 12 years does not suffice to perfect the alienees title.

The Petitioner therefore prays that this Honorable Court may be pleased to grant him a certificate that the ~~in~~ case is a fit one for appeal to His Majesty in Council that it fulfills the requirements of Sec. 110 and Sec. 109 Clause C.

Signed "T. Narsimhadevaru

Vakil for Petitioners.

HIGH COURT

MADRAS

C.M.P.No. of 1917

in

A.S.No. 52 of 1915 on the file of the High Court Madras.

Mr. T. Narasimma Aiyangar

Vakil for Petitioner.

From

THE MUZRAI SUPERINTENDENT
IN MYSORE

To

The Joint Secretary to Gov
Muzrai Department
Bangalore

Dated

Despatched 28th July 1915

No. 89
Encls. Nil

SUBJECT

Submits copies of app
filed by the Vakil to the Hig
Court of Judicature praying
for permission to prefer an
appeal to the Privy Council
against the decision of
High Court about the l
belonging to the Sri Thyagaraj
Swamy Mutt at Madura

G.R.S. VI-71]

SUBJECT Records the Mysore Supdt's letter forwarding copies of applications filed to the Madras High Court praying for permission to prefer appeals to the Privy Council in the case re the claim of the Sri R. Matt to certain lands in Madura —

Diary No. of letter replied to 185

Section VII

File No. 87—17

Serial No. 2

General and Revenue Secretariat

(Mys)

, the *191* .

Proceedings of the Government of His Highness the Maharaja of Mysore

Date of issue 16-8-917

Signed by M. Sadasiva Rao

Read.—

G. O. No. 2313-4/Mys. 7. 155-16-6 817-3-17 sanctioning the filing of an appeal to the Privy Council against the decision of the High Court of Madras declaring that Puliyadi Balasami Iyer is entitled to the possession as permanent lessee of certain properties of the ~~Order Thereon: No.~~ Sri Vyasaraya Swami Matha at Madura.

2) Letter No. 898 27-7-17 from the Mysore Supdt. in Mysore —

over.

May this be

i Printed?

ii treated as a standing order?

iii published in the Gazette English part?

iv translated?

v placed at the disposal of the press?

vi published in the Gazette Kannada part?

Submitting copies of the two applications filed by the Matts vakil to the High Court of Judicature, Madras, praying for permission to prefer appeals to the Privy Council.

Order thereon :- 394 Dt 16-2-917
mm 81-17-2

Recorded

Ca
11/8/17
Joint Secretary
Mysore Dept

Fo. 4/8/17

The Mysore Resident in Mysore.

8/8/17

List of enclosures.

Copied by

Examined by